

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

## State V Willie J Hemphill

Case Number	27D02-0909-FD-000108	
Court	Grant Superior Court 2	
Type	FD - Class D Felony	
Filed	09/02/2009	
Status	10/14/2009 , Decided	
Reference	Original County Cause Number	D209FD108

## Parties to the Case

Defendant Hemphill, Willie J  
Attorney David Marlin Payne  
*#564827, Retained*  
112 South Boots Street  
Marion, IN 46952-0000  
765-664-4132(W)

State State of Indiana  
Plaintiff  
Attorney Evan Kent Hammond  
*#2561829*  
Kiley Harker Certain  
300 West Third Street  
Marion, IN 46952  
765-664-9041(W)

## Charges

01 09/02/2009 THEFT  
Statute 35-43-4-2(a)  
Degree FD

02 09/02/2009 POSSESSION OF MARIJUANA  
Statute 35-48-4-11(1)  
Degree MA

## Chronological Case Summary

09/02/2009 **Converted Event**  
Docket Note: MPD

**09/03/2009 Converted Event**

The State of Indiana files appearance form and further filed criminal information and probable cause. This probable cause found at oral probable cause hearing held September 2, 2009, and bond set in the amount of \$5,000.00 cash, surety, property. Clerk of the Court directed to issue to the sheriff of Grant County a warrant for the arrest of the defendant and to endorse theron bond set herein. Warrant issued. (RJO? N) | JTS Minute Entry Date: 2009-09-02

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**09/08/2009 Indigent Counsel Appointed at County Expense**

Comes now the defendant in custody and in person. The Court now conducts initial hearing and advises defendant of his rights and, at the request of defendant, appoints David Payne as counsel for defendant. The Court now assigns cause for trial for October 19, 2009, commencing at 1:30 p.m., and that State and defendant to meet on or before September 28, 2009, for pretrial conference, all as per Order on Initial Hearing filed. (RJO? Y) | JTS Minute Entry Date: 2009-09-04

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**09/14/2009 Converted Event**

State's Motion for Discovery filed. (RJO? N) | JTS Minute Entry Date: 2009-09-11

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**09/14/2009 Converted Event**

State notifies the Court it has complied with discovery. (RJO? N) | JTS Minute Entry Date: 2009-09-11

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**09/14/2009 Converted Event**

Counsel for defendant, David Payne, files Motion to Produce Evidence. (RJO? N) | JTS Minute Entry Date: 2009-09-11

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**09/14/2009 Converted Event**

David Payne files Appearance Form on behalf of defendant. (RJO? N) | JTS Minute Entry Date: 2009-09-11

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**09/16/2009 Converted Event**

Defendant by counsel, David Payne, files Response to State's Motion for Discovery. (RJO? N) | JTS Minute Entry Date: 2009-09-15

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**09/16/2009 Converted Event**

Defendant by counsel David Payne files, Motion For Early Trial. Jury trial date remains set October 19, 2009, commencing at 1:30 p.m. Notice ordered. (RJO? N) | JTS Minute Entry Date: 2009-09-15

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**09/17/2009 Converted Event**

Defendant by counsel, David Payne, files Motion for Bond Reduction. The Court now sets Bond Reduction Hearing for October 19, 2009, at 9:00 a.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2009-09-16

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**09/21/2009 Converted Event**

Counsel for defendant orally requests this cause be set for Bond Reduction hearing at the Court's earliest convenience. Court now resets this hearing for September 25, 2009, commencing at 1:30 p.m. Notice ordered. (RJO? N) | JTS Minute Entry Date: 2009-09-21

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**09/24/2009 Converted Event**

At the agreement of parties, this cause is reset for Bond Reduction Hearing for October 9, 2009, commencing at 1:30 p.m. Notice ordered. (RJO? N) | JTS Minute Entry Date: 2009-09-24

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**09/25/2009 Converted Event**

Calendar :BOND REDUCTION

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**09/28/2009 Converted Event**

Calendar :PRE-TRIAL CONFERENCE

**09/30/2009 Converted Event**

State by Rodney Faulk. Defendant in person with counsel David Payne. Pre-trial held. At the request of counsel for defendant Bond reduction hearing on October 9, 2009, is now reset for October 5, 2009, commencing at 9:00 a.m. Notice ordered. (RJO? N) | JTS Minute Entry Date: 2009-09-28

**10/05/2009 Converted Event**

Calendar :BOND REDUCTION

**10/06/2009 Converted Event**

State of Indiana appears by Rodney Faulk. Defendant appears in the custody of the Sheriff of Grant County and by counsel. Motion for Bond Reduction is submitted. Evidence heard. The Court now modifies bond to the sum of \$2,000 property or surety, or \$200 cash, all as per Order on Bond Reduction Hearing filed. (RJO? Y) | JTS Minute Entry Date: 2009-10-05

**10/13/2009 Converted Event**

Defendant by counsel, David Payne files Motion To Suppress and Memorandum In Support Of Motion To Suppress Evidence. (RJO? N) | JTS Minute Entry Date: 2009-10-13

**10/14/2009 Converted Event**

Return of Subpoena filed with the court showing copy service on Sandra Patterson and Marlene Long to be not found in baliwick on 10/13/09. (RJO? N) | JTS Minute Entry Date: 2009-10-14

**10/14/2009 Converted Event**

Offense #1, Count ID I : (Prison Sent. [18] [M])(Jail Credit [48])(Jail Credit [81])

**10/14/2009 Judgment**

Conversion

01. THEFT

• Conversion Unknown

**10/14/2009 Judgment**

Conversion

02. POSSESSION OF MARIJUANA

• Conversion Unknown

**10/16/2009 Converted Event**

Comes now the State of Indiana by Rodney Faulk. Further comes the defendant in the custody of the Sheriff of Grant County and by counsel. State and defendant file written Plea Agreement. Defendant moves the Court to enter a plea pursuant to the Plea Agreement. Motion granted. Defendant now enters a plea of guilty pursuant to the Plea Agreement. Parties agree to waive the PSI and proceed to sentencing. Cause submitted for sentencing hearing. Evidence heard. The Court now sentences the defendant to the Indiana Department of Corrections, all as per Order filed. Costs assessed against defendant. Brian F. McLane, Judge Pro Tem (DISPOSED: GP ) (RJO? Y) (Alt Judge T ) | JTS Minute Entry Date: 2009-10-14

**10/22/2009 Converted Event**

Sent Criminal Information, Probable Cause, Plea Agreement and certified copy of CCS and Order on Plea Agreement and Order and Sentencing to Grant County Sheriff's Dept. lw (RJO? N) | JTS Minute Entry Date: 2009-10-22

**03/26/2010 Converted Event**

Findings and Order For Community Transition Program filed. Defendant denied placement in Community Transition Program. Clerk of the court directed to copy James Luttrull and Seamless Reentry Court, Brant Yeakle, Department of Correction: Community Transition Program manager, Indiana Dept of Correction, 402 West Washington Street, Rm. W-341, Indianapolis, Indiana 46204-2738. So Ordered (RJO? Y) | JTS Minute Entry Date: 2010-03-19

03/29/2010 **Converted Event**

sent Findings and Order for Community Transition Program to Dept. of Correction Program and all interested parties.  
lw (RJO? N) | JTS Minute Entry Date: 2010-03-29

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.



STATE OF INDIANA )  
COUNTY OF GRANT ) SS:

IN THE GRANT SUPERIOR COURT 2  
CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

INFORMATION FOR:

VS

WILLIE J. HEMPHILL

DOB: 09/10/1971

**FILED**  
SEP 02 2009  
*J. Mark J. Lawrence*  
CLERK GSC 2

Count 1:  
Theft  
I.C. 35-43-4-2(a)  
a Class D Felony

Count 2:  
Possession of Marijuana  
I.C. 35-48-4-11(1)  
a Class A Misdemeanor

**Count 1**

The undersigned, being duly sworn upon his oath, says that on or about August 28, 2009, in Grant County, State of Indiana, Willie J. Hemphill did knowingly or intentionally exert unauthorized control over three hundred dollars (\$300.00) belonging to Sandra Patterson with intent to deprive Sandra Patterson of some part of said money's value or use; all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-2(a) and against the peace and dignity of the State of Indiana.

**Count 2**


The undersigned, being duly sworn upon his oath, says that on or about August 28, 2009, in Grant County, State of Indiana, Willie J. Hemphill did knowingly or intentionally possess (pure or adulterated) marijuana; all of which is contrary to

the form of the statutes in such cases made and provided by I.C. 35-48-4-11(1)  
and against the peace and dignity of the State of Indiana.

  
\_\_\_\_\_  
Detective Del Garcia  
Marion Police Department

Subscribed and sworn to before me this 2<sup>nd</sup> day of September, 2009.

My commission expires:  
December 31, 2010

  
\_\_\_\_\_  
Bill Heck  
Chief Deputy Prosecuting Attorney

APPROVED BY ME:

  
\_\_\_\_\_  
Bill Heck  
Chief Deputy Prosecuting Attorney

**WITNESSES:**

Del Garcia  
Steve Wolf  
Mark Stefanatos  
Jeff Wells  
Brian Davis  
Gregg Melton  
Lisa G. Robinson  
Trisha Johnson  
Marlene Long  
Sandra Wise  
Rick E. Perkins  
Vickie Gary  
Diane C. Reece  
Charles A. Brown  
Sandra Patterson

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT 2

COUNTY OF GRANT, SS:

CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

-VS-

WILLIE J. HEMPHILL

**FILED**  
SEP 02 2009  
*J. Mark Flannery*  
CLERK GSC 2

**ORAL PROBABLE CAUSE DETERMINATION**

Oral Probable Cause determination was made on August 29, 2009 by the Honorable Jeffrey D. Todd, Judge of the Grant Superior Court 1 for the arrest of the Defendant, WILLIE J. HEMPHILL for the charges Theft, Class D Felony and Possession of Marijuana under 30 Grams, Class A Misdemeanor with a bond of

\$ 5,000.00 (10%) Cash, Surety, Property

Dated this 2<sup>nd</sup> day of September, 2009.

*Bill Heck*

**Bill Heck**  
Chief Deputy Prosecuting Attorney

**APPEARANCE FORM (CRIMINAL)**  
**State of Indiana**

**Case Number: 27D02-0909-FD-108**

- 1. Name of Defendant: Willie J. Hemphill**
- 2. Case Type of proceeding: D Felony**
- 3. Prosecuting Attorney information:**

**Name: James D. Luttrull Jr.**  
**Grant County Prosecuting Attorney**  
**48<sup>th</sup> Judicial Circuit**  
**101 East 4<sup>th</sup> Street, RM. 107**  
**Marion, IN 46952**

**Attorney #10018-27**

**Phone: (765) 664-0739**  
**FAX: (765) 668-6580**

- 4. Will the State accept service by FAX: NO**

- 5. Arrest report number (Originating Agency Case Number): 2009-28215**

**Respectfully submitted,**

**James D. Luttrull Jr.**  
**Grant County Prosecuting Attorney**  
**48<sup>th</sup> Judicial Circuit**

**FILED**

SEP 02 2009

*J. Mark Elam*  
CLERK GSC 2

STATE OF INDIANA  
COUNTY OF GRANT  
IN THE GRANT SUPERIOR COURT NO. 2  
2009 TERM

**FILED**

SEP 04 2009

*J. Mark Johnson*  
CLERK GSC 2

STATE OF INDIANA

VS.

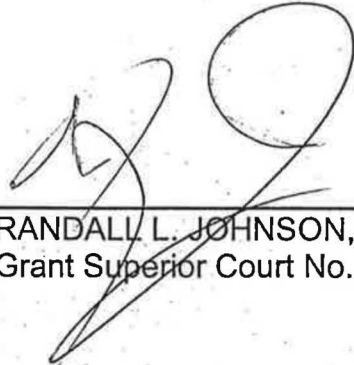
CAUSE NO. 27D02-0909-FD-108

WILLIE HEMPHILL

**ORDER ON INITIAL HEARING**

Comes now the defendant in custody. The Court now advises defendant of the rights to counsel, the right to public-speedy trial by jury, the right to remain silent, the nature of the criminal charge, and the amount and conditions of the bond. The Court now enters a preliminary plea of not guilty upon all counts, which plea shall become a formal plea of not guilty within twenty (20) days of date hereof. Upon request of the defendant, the Court now appoints David Payne, upon finding defendant to be an indigent person. State and defendant to meet for pretrial conference on or before September 28, 2009. The Court sets Omnibus date for October 29, 2009. This cause is set for Jury Trial on October 19, 2009, commencing at 1:30 p.m. Defendant is remanded to the custody of the Sheriff pending return in open Court for further proceedings.

Dated this 4th day of September, 2009.

  
\_\_\_\_\_  
RANDALL L. JOHNSON, Judge  
Grant Superior Court No. 2

FILED

SEP 11 2009

*J. Mark Edwards*  
CLERK GSC 2

STATE OF INDIANA  
COUNTY OF GRANT  
IN THE GRANT SUPERIOR COURT NO. 2  
2008 TERM



STATE

DATE: 09-11-09

VS. Willie Hemphill

CAUSE NO.: 27D02-0909-FD-108

THE CLERK WILL PLEASE ENTER THE FOLLOWING MINUTES:

STATE NOTIFIES THE COURT *it has complied*  
with discovery.

*R. Taulk*

APPROVED:

ATTY FOR STATE

RANDALL L. JOHNSON, Judge  
Grant Superior Court No. 2

HOW LONG WILL HEARING TAKE \_\_\_\_\_

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF GRANT       )

IN THE GRANT SUPERIOR COURT #2  
  
2009 TERM

STATE OF INDIANA,  
Plaintiff

CAUSE NO.: 27D02-0909-FD-108

**FILED**

SEP 11 2009

vs.

WILLIE J. HEMPHILL,  
Defendant

*J. Mark Edwards*  
CLERK GSC 2

**DEFENDANT'S MOTION TO PRODUCE EVIDENCE**

The Defendant, Willie J. Hemphill, by counsel, requests this Court to order the Prosecuting Attorney of Grant County, Indiana, any and all law enforcement officers of Grant County and the Indiana State Police to disclose, and in the case of a tangible item, to produce for examination, inspection, and copying, the following:

1. The names and last known addresses of all persons who the State of Indiana intends to use in the prosecution of this cause of action, and the names and last known addresses of persons known to the State of Indiana to have knowledge pertinent to this cause of action but who will not be used as witnesses by the State of Indiana herein.
2. A copy of all written or recorded statements, memoranda, and summaries of oral statements of persons whom the Prosecuting Attorney intends to call as witnesses in the prosecution of this cause of action, or by any person who has knowledge pertinent to this cause of action but who will not be used as a witness by the State of Indiana.
3. A list of criminal and juvenile records, if any, of all of the witnesses, including the Defendant's whom the State plans to call to testify at trial, and a copy of all the criminal records pertaining to people interviewed by the State concerning this cause.

4. Any and all written or recorded statements and the substance of any oral statements made by the Defendant herein to agents of the State of Indiana or to private individuals assisting the aforesaid authorities, including any warnings of rights read to or alleged waivers obtained from the Defendant.

5. State whether the Defendant, or any other person who participated in the alleged crime, was acting directly or indirectly at the instigation, or on the behalf of the State of Indiana, or one of its agents, and if so, state the names and addresses of said individuals.

6. State whether or not the use of an informant is in any way involved in the State's case, and if so, name the informant and specify his/her address.

7. State the names and addresses of each and every person who was present and/or who took part in, or witnessed the criminal act which the Defendant is accused of committing.

8. State fully all the overt acts in furtherance of the crime not specified in the Information, on which the prosecution intends to rely at trial.

9. State the time and place of the offense alleged in the Information.

10. A copy of the probable cause affidavit in this cause of action, and a copy of any written record or transcription of testimony at the probable cause hearing in the cause herein.

11. All written reports, notes, memoranda, maps, drawings or diagrams written, drawn or otherwise prepared by the Prosecuting Attorney of Grant County, or any other law enforcement agency or individual, in connection with or pertaining to the investigation of the crimes charged against the Defendant herein.

12. True copies of all photographs which the State of Indiana intends to or may offer into evidence at the trial of this cause of action, and all other photographs relevant to the subject



matter of this cause of action, including any photographs of physical evidence in the State's possession.

13. All tangible or demonstrative objections, books, papers or documents which the Prosecuting Attorney will use in the hearing or trial, or which were obtained from or belonging to the accused, including that evidence which was seized at the time of the apprehension of the Defendant, with copies of search warrant(s) and, if such search was based on any alleged consent by Defendant, the circumstances in which such alleged consent was obtained.

14. Any and all reports, laboratory or otherwise, or statements of experts made in connection with this particular case, including results of physical or mental examination and of scientific tests, experiments or comparisons by any agents of the State of Indiana, or private individuals.

15. The defense requests the following information:

a. Will the State rely upon or utilize expert testimony in this cause?

(1) If so, state the name of the witness, qualifications, and subject of his/her testimony, and supply to the Defendant any reports or documentation that he or she will rely upon in his/her testimony.

b. Will the State rely on prior acts or convictions of the Defendant of a similar nature as proof of motive, preparation, identity, absence of mistake or accident, knowledge, intent or common scheme or plan? If yes, please specify.

c. Whether or not the State intends to use the prior felony convictions and prior criminal record of the Defendant as an impeachment device if he testifies at trial.

(1) if so, specify which convictions.

16. Any and all evidence in possession and control of the State of Indiana, or its agents which may be favorable to the Defendant and material to the issue of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant or is relevant to the subject matter of this cause of action, or in any manner may aid this Defendant in the ascertainment of the truth. Brady v. Maryland (1963), 373 U.S.83, 83 S. Ct. 1194, 10 N.E.2d 215.

17. A statement in writing as to whether there has been any electronic surveillances of any conversation to which the Defendant was a party.

18. A statement in writing by the Prosecuting Attorney of Grant County, whether the Defendant has:

- a. appeared in a line-up or show-up;
- b. been made to speak for identification by witnesses to the said offense;
- c. been fingerprinted;
- d. been photographed;
- e. had specimens of material taken from under his/her fingernails;
- f. had samples of blood, hair, breath or other materials of his/her body taken which involve an intrusion thereof;
- g. provided specimen of handwriting;
- h. submitted to physical or medical inspection of his/her body; or
- i. had his/her photograph shown to any witness to the alleged crime, and if so, a copy of such photograph and any other shown to any such witness(es).

19. A statement in writing by the Prosecuting Attorney of Grant County whether hypnosis has been used or attempted to be used on any witness in the investigation of the offense charged against the Defendant.

20. A statement in writing by the Prosecuting Attorney showing whether a deal has been made with any State's witness or if any inducements have been promised in exchange for testimony, as follows:

- a. Any and all consideration or promises of consideration given or offered to prospective State witnesses or the defendant by law enforcement officers.  
By "consideration", Defendant refers to absolutely anything of value or use, including but not limited to immunity grants, fees, contributions to witness' or defendant's jail commissary account, clothing, food, shelter, treatment or maintenance of a drug addiction, assistance to members of witness' or defendant's family or associates of witness or the defendant, special or favorable treatment as an inmate or pretrial detainee in the Grant County Jail plea agreements, promises of non-prosecution or deferred prosecution, recommendations regarding parole, clemency or prosecutions in other jurisdictions, or anything else which could arguably create an interest or bias in the witness or the defendant in favor of the State or against the defense or act as an inducement to testify or to color testimony;
- b. Any and all prosecutions, investigations or possible prosecutions pending or which could be brought against the witness or the defendant and any

probationary, parole or deferred prosecution status of the witness or the defendant;

- c. The same information requested in Items 1 and 2 above with respect to each non-witness whose statements are offered in evidence.

21. Grand Jury testimony of a witness, once he has testified. Lockridge v. State (1975) 263 Ind. 678, 338 N.E.2d 275.

22. Supply a copy of any information collected by or in the possession of the Prosecutor or his/her office pertaining to or informing him/her regarding any prospective jurors that might be called to serve in this case.

That disclosure and production is to be made without regard as to whether the evidence to be disclosed and produced is deemed admissible at the trial herein, and if the State of Indiana, after complying with the order to produce, finds either before or during trial additional information or facts which are subject to or covered by such order, the State of Indiana shall promptly notify the Court, and the Defendant, of the existence thereof.

Respectfully submitted,

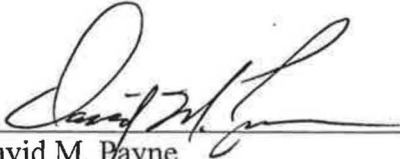


David M. Payne, #5648-27  
Attorney for Defendant  
112 South Boots Street  
Marion, IN 46952  
Tel: (765) 664-4132

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 10th day of September, 2009, a copy of the foregoing pleading consisting of 7 pages, including this one, has been served upon opposing counsel by ordinary U.S. Mail as follows:

Rodney Faulk  
Grant County Courthouse  
Grant County Prosecutor's Office  
101 East 4<sup>th</sup> Street  
Marion, IN 46952

  
\_\_\_\_\_  
David M. Payne

**IN THE GRANT SUPERIOR COURT #2  
APPEARANCE FORM  
(Criminal)**

Case Number: 27D02-0909-FD-108  
(Previously supplied by Clerk)

**FILED**

SEP 11 2009

// Check if *Pro Se*. In the event the defendant decides to represent himself or herself, complete this form listing address and other service information in number 2.

*J. Mark Edwards*  
CLERK GSC 2

1. Name of Defendant(s): WILLIE J. HEMPHILL

(All defendants represented by attorney listed below)

2. Defense Attorney information (as applicable for service):

Name: DAVID M. PAYNE  
Address: 112 SOUTH BOOTS STREET  
MARION IN 46952

Attorney Number: 5648-27  
Phone: (765) 664-4132  
FAX: (765) 662-9685  
Computer Address: \_\_\_\_\_

3. Will Defendant accept service by FAX: Yes \_\_\_ No X

4. Additional information required by state or local rule: \_\_\_\_\_

**Note:** If separate attorneys represent separate defendants, use an appearance form for each separately represented defendant or set of defendants.

*David M. Payne*  
\_\_\_\_\_  
DAVID M. PAYNE

Authority: Pursuant to Criminal Rule 2.1(B), this form shall be filed at the time a criminal proceeding is commenced. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the Appearance was served upon Rodney Faulk, Grant County Prosecutor's Office, Grant County Courthouse, 101 East 4<sup>th</sup> Street, Marion, IN 46952, by depositing a copy of same in the U.S. Mail, first class postage pre-paid, on this the 10th day of September, 2009.

  
\_\_\_\_\_  
David M. Payne

**FILED**

STATE OF INDIANA SEP 11 2009

IN THE GRANT SUPERIOR COURT 2

COUNTY OF GRANT *J. Mark Edwards*  
SS. CLERK GSC 2

2009 TERM

STATE OF INDIANA

-VS-

CAUSE NUMBER: 27D02-0909-FD-108

WILLIE J. HEMPHILL

**STATE'S MOTION FOR DISCOVERY**

Comes now the State of Indiana by its Deputy Prosecuting Attorney for the 48th Judicial Circuit and moves the Court to enter an Order requiring Defendant to furnish the following within thirty (30) days, to-wit:

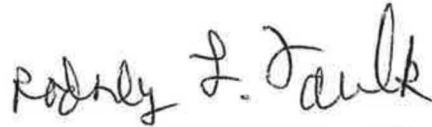
1. To inform the State in writing of any defense which they or either of them intend to make at trial, or hearing, of this case (317 N.E. 2d 436).
2. To furnish, in writing, the names and last known addresses, and dates of birth, of persons they or either of them intend to call as witnesses whether for direct testimony or impeachment purposes together with copies of their relevant written or recorded statements, including memorandum reporting or summarizing their oral statements, and any record of prior criminal convictions known to the Defendant and his counsel or either of them.
3. To inform the State in writing of any expert witnesses and to permit the State to inspect and copy any photograph, any report or result, or testimony relative thereto, of physical or mental examinations, or scientific tests, experiments comparisons or any other reports or statements of experts which defense counsel has in their possession, or control, except those portions of reports containing statements made by the Defendant if defense



counsel does not intend to use any of the material contained in such report at a hearing or at trial. (317 N.E. 2d 436).

4. To list, in writing and furnish any books, papers, documents, photographs, or tangible objects they or either of them intend to use as evidence at trial, or for impeachment at the trial of this case.

WHEREFORE, the State of Indiana moves the Court to enter an Order requiring Defendant to furnish the above information within thirty (30) days and for all other relief just and proper in the premises.

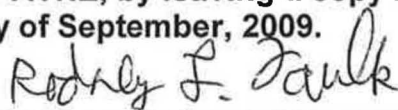


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RODNEY L. FAULK  
DEPUTY PROSECUTING ATTORNEY  
48TH JUDICIAL CIRCUIT  
Room #107, Grant County Courthouse  
Marion, Indiana 46952  
Phone: 765-664-0739

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was furnished to counsel of record for the Defendant, DAVID PAYNE, by leaving a copy in said counsel's courthouse mailbox this 11<sup>th</sup> day of September, 2009.



---

Rodney L. Faulk  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 ) SS:  
COUNTY OF GRANT )

IN THE GRANT SUPERIOR COURT #2

2009 TERM

STATE OF INDIANA,  
Plaintiff

CAUSE NO.: 27D02-0909-FD-108

vs.

WILLIE J. HEMPHILL,  
Defendant

**FILED**

SEP 15 2009

*J. Mark Fland*  
CLERK GSC 2

**MOTION FOR EARLY TRIAL**

Comes now Defendant, Willie J. Hemphill, by counsel, and hereby demands a trial within seventy (70) days from the filing of this motion in accordance with Ind. C.R. 4(B).

Respectfully submitted,



David M. Payne, #5648-27  
Attorney for Defendant  
112 South Boots Street  
Marion, IN 46952  
Tel: (765) 664-4132

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing pleading was served upon Rodney Faulk, Grant County Prosecutor's Office, Grant County Courthouse, 101 East 4<sup>th</sup> Street, Marion, IN 46952, by depositing a copy of same in the U.S. Mail, first class postage pre-paid, on this the 15th day of September, 2009.



David M. Payne

STATE OF INDIANA )  
 ) SS:  
COUNTY OF GRANT )

GRANT SUPERIOR COURT #2

2009 TERM

STATE OF INDIANA,  
Plaintiff

CAUSE NO.: 27D02-0909-FD-108

vs.

WILLIE J. HEMPHILL,  
Defendant

**FILED**

SEP 15 2009

*J. Mark Clarence*  
CLERK GSC 2

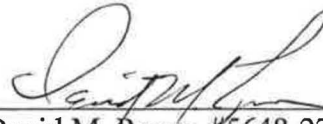
**RESPONSE TO STATE'S MOTION FOR DISCOVERY**

The Defendant submits the following in response to the State's Motion for Discovery.

1. The Defendant intends to assert the defense of not guilty. The Defendant may assert the defenses of lack of capacity, entrapment, impossibility, intoxication, emergency, legal authority, duress, self defense, sudden heat, mental disease or defect, mistake of fact, necessity, abandonment, and any other defenses that may become known to the Defendant prior to the trial.
2. The Defendant may call the following witnesses at trial: All witnesses listed by the State of Indiana and those in or ascertained by the Discovery submitted by the State of Indiana to the Defendant. The Defendant reserves the right to call any person as a witness whose testimony may tend to disprove, rebut or impeach any of the facts, crimes or statements alleged by the State of Indiana. If available, these witnesses are shown in the attached Exhibit "A".
3. The Defendant may call expert witnesses at the trial to testify concerning any defense, fact, impeachment, rebuttal, physical evidence or mitigating factors. The Defendant may offer witnesses relating to the mental state of the Defendant. If available, these witnesses are shown in Exhibit "B".
4. The Defendant may move for the admission of physical evidence, including but not limited to, all evidence accumulated by the State of Indiana and any law enforcement agency which may have conducted an investigation of the crime alleged to have been committed by the Defendant and any other physical evidence tending to show the innocence of the Defendant. If available, this evidence is shown in the attached Exhibit "C".
5. The Defendant reserves the right to supplement any response prior to the trial.

6. The Defendant hereby notifies the State of his intent to call witnesses at the trial regarding the character of the Defendant. The names and addresses of such witnesses will be provided as soon as a determination has been made regarding which witnesses will be called at trial.

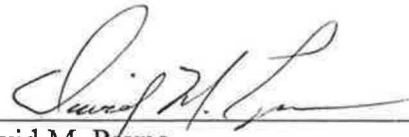
Respectfully submitted,



David M. Payne, #5648-27  
Attorney for Defendant  
112 South Boots Street  
Marion, IN 46952  
Tel: (765) 664-4132

### CERTIFICATE OF SERVICE

I certify that on the 15th day of September, 2009, a true and complete copy of the foregoing has been served upon Rodney Faulk, by leaving a copy in the counsel's mailbox in the Grant County Clerk's Office or by first class, postage prepaid, U.S. Mail this 15th day of September, 2009.



David M. Payne

### EXHIBIT A - WITNESSES

1. Any witnesses call by the State of Indiana.

### EXHIBIT B - EXPERT WITNESSES

1. Any witnesses called by the State of Indiana.

### EXHIBIT C - PHYSICAL EVIDENCE

1. All evidence to be offered by the State of Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF GRANT )

IN THE GRANT SUPERIOR COURT #2  
2009 TERM

STATE OF INDIANA,  
Plaintiff

CAUSE NO.: 27D02-0909-FD-108

vs.

WILLIE J. HEMPHILL,  
Defendant

FILED  
SEP 16 2009  
*J. Mark Flanagan*  
CLERK GSC 2

**MOTION FOR BOND REDUCTION**

Comes now the Defendant, by counsel, and respectfully moves the Court to reduce the bond for Defendant's pre-trial release on the ground that conditions exist which warrant a modification of the Court's previous bond order.

WHEREFORE, Defendant prays the Court set this matter for hearing so that evidence may be heard supporting Defendant's request for bond reduction and other relief proper in the premises.

Respectfully submitted,



David M. Payne #5648-27  
Attorney for Defendant  
112 South Boots Street  
Marion, IN 46952  
Tel: (765) 664-4132

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing has been served upon Rodney Faulk, Grant County Prosecutor's Office, Grant County Courthouse, 101 East 4<sup>th</sup> Street, Marion, Indiana 46953 by first class, postage prepaid, U.S. Mail, this 16th day of September, 2009.

  
DAVID M. PAYNE

STATE OF INDIANA  
COUNTY OF GRANT  
IN THE GRANT SUPERIOR COURT NO. 2  
2009TERM

**FILED**

OCT 05 2009

*J. Mark Flannery*  
CLERK CBB R

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0909-FD-108

WILLIE J. HEMPHILL

**ORDER ON BOND REDUCTION HEARING**

Comes now the defendant in custody, together with counsel, David Payne. State of Indiana appears by Rodney L. Faulk. Motion for Bond Reduction submitted. Evidence heard and concluded. The Court now modifies bond to the sum of \$2,000 surety or property, or \$200 cash. In addition, the Court orders defendant shall have no contact with the victims in this cause. Defendant is remanded to the custody of the Sheriff pending posting of bond or return in open court for further proceedings.

Dated this 5th day of October, 2009.

  
\_\_\_\_\_  
RANDALL L. JOHNSON, Judge  
Grant Superior Court No. 2

C 14 0950 80  
STATE OF INDIANA

)

IN THE GRANT SUPERIOR COURT 2

) SS:

COUNTY OF GRANT

)

CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

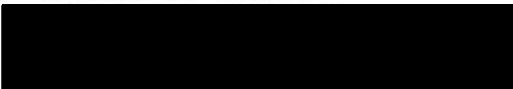
Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Diane C. Reece



FILED

OCT 09 2009

J. Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J. Mark Florence  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

Received this Subpoena on OCT 09 2009, and served it on the within named \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

*Donald D. Himelick*  
Sheriff of Grant County

By: \_\_\_\_\_

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

525 E River

Copy to him

10-14-09

0950

*Diane P. B. 0815*

C 14. 230 80

STATE OF INDIANA )  
 ) SS:  
COUNTY OF GRANT ) CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Lisa G. Robinson



FILED

OCT 09 2009

*J. Mark Florence*  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

*J. Mark Florence*  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

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*Deanna L. Ladd*  
Deanna L. Ladd, Sheriff of Grant County

By: \_\_\_\_\_

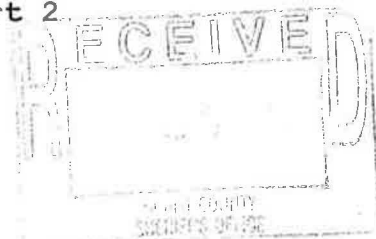
Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

2010 Galbraith  
Copy on back  
10-14-09  
0930

*Deanna L. Ladd*  
Deanna L. Ladd 10/15/09





C 14 0855 80  
STATE OF INDIANA

)

IN THE GRANT SUPERIOR COURT 2

) SS:

COUNTY OF GRANT

)

CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Rick E. Perkins



FILED

OCT 09 2009

J. Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J. Mark Florence  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

OCT 09 2009

Received this Subpoena on \_\_\_\_\_, and served it on the within named \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

Sherrill Grant County

By: \_\_\_\_\_

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_

3206 S Home

Copy in Book

10-14-09

0855

Deane L. L. L. L.

C 141 1095 80  
STATE OF INDIANA

COUNTY OF GRANT

STATE OF INDIANA

VS.

WILLIE J. HEMPHILL

)  
) SS:  
)

IN THE GRANT SUPERIOR COURT 2

CAUSE NUMBER: 27D02-0909-FD-108

Please call the day before trial  
(765) 664-0739

SUBPOENA

To: Trisha Johnson  
[REDACTED]

FILED  
OCT 09 2009  
J Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J Mark Florence  
J Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

Received this Subpoena on OCT 09 2009, and served it on the within named \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

Daniel Smith  
Sheriff of Grant County

707 S Mt. Her 10.14.09  
COPY to DGR 10.15

By: Daniel Smith

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

STATE OF INDIANA ) IN THE GRANT SUPERIOR COURT 2  
COUNTY OF GRANT ) SS:  
CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Sandra Wise



FILED  
OCT 09 2009  
J. Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J. Mark Florence  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

Received this Subpoena on OCT 09 2009, and served it on the within named \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

*Donald Hindle*  
Sheriff of Grant County

By: \_\_\_\_\_

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars  
Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

1526 W. MARION  
COPY to DORR  
10-14-09  
1035

*Donna Todd* 10/21

C 14 1025 20  
STATE OF INDIANA

)

IN THE GRANT SUPERIOR COURT 2

) SS:

COUNTY OF GRANT

)

CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Charles A. Brown



FILED

OCT 09 2009

J. Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J. Mark Florence

J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

OCT 09 2009

Received this Subpoena on \_\_\_\_\_, and served it on the within named \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

Shanell H. Grant County

1514 W 2nd  
Coryn Dore

10-14-09  
1025

By: \_\_\_\_\_

Shanell H. Grant

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

C 14 0955 80

STATE OF INDIANA ) IN THE GRANT SUPERIOR COURT 2  
COUNTY OF GRANT ) SS:  
CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Vickie Gary  
[Redacted]

FILED  
OCT 09 2009  
J. Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J. Mark Florence  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA  
COUNTY OF Grant

Received this Subpoena on OCT 09 2009, and served it on the within named \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

Daniel H. Hentrich  
Sheriff of Grant County

By: \_\_\_\_\_

Service Fees:  
Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars  
Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

840 E Walnut  
Copy on base  
10-14-09  
0955

Daniel Hentrich

RECEIVED

STATE OF INDIANA

)

IN THE GRANT SUPERIOR COURT 2

) SS:

COUNTY OF GRANT

)

CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

FILED

SUBPOENA

OCT 09 2009

To: Marlene Long



*J. Mark Florence*  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

*J. Mark Florence*  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

Received this Subpoena on OCT 09 2009, and served it on the within named \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

*Deputy Sheriff*  
Deputy Sheriff of Grant County

NF 105

10-13-09  
1300

NEED

By: \_\_\_\_\_

*James L. [Signature]*

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

STATE OF INDIANA ) IN THE GRANT SUPERIOR COURT 2  
 ) SS:  
COUNTY OF GRANT ) CAUSE NUMBER:27D02-0909-FD-108

STATE OF INDIANA Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Marlene Long

FILED

OCT 09 2009

*J. Mark Florence*  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

*J. Mark Florence*  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

Received this Subpoena on \_\_\_\_\_, and served it on the within named \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

Sheriff of Grant County

By: \_\_\_\_\_

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars  
Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.

STATE OF INDIANA

)

IN THE GRANT SUPERIOR COURT 2

) SS:

COUNTY OF GRANT

)

CAUSE NUMBER: 27D02-0909-FD-108

STATE OF INDIANA

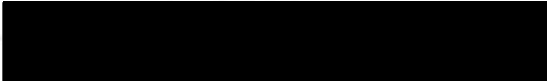
Please call the day before trial  
(765) 664-0739

VS.

WILLIE J. HEMPHILL

SUBPOENA

To: Sandra Patterson



FILED  
OCT 09 2009  
J. Mark Florence  
CLERK GSC 2

You are commanded to appear in the Grant Superior Court 2 of Grant County on October 20, 2009 at 8:30 AM to testify on behalf of the State of Indiana in the above-entitled action.

J. Mark Florence  
J. Mark Florence, Clerk  
Grant Superior Court 2

RETURN OF SERVICE

STATE OF INDIANA

COUNTY OF Grant

RECEIVED  
OCT 13 2009  
CLERK GSC 2

Received this Subpoena on OCT 09 2009, and served it on the within named \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2009 by delivering a copy of said Subpoena to him/her personally or as otherwise authorized by Trial Rule 45.

Daniel Hindle  
Sheriff of Grant County

121 W WAB 11/6/09 516  
Copy to Desk

10-13-09 1430

By: Daniel Hindle

Service Fees:

Mileage, \_\_\_\_\_ miles at \_\_\_\_\_ dollars

Service and Return, \_\_\_\_\_ for a total of \_\_\_\_\_.



STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF GRANT       )

GRANT SUPERIOR COURT #2

2009 TERM

STATE OF INDIANA,  
Plaintiff

CAUSE NO.: 27D02-0909-FD-108

vs.

WILLIE J. HEMPHILL,  
Defendant

FILED

OCT 13 2009

*J. Mark Edwards*  
CLERK GSC 2

**MOTION TO SUPPRESS**

To the Honorable Judge of Said Court:

The Defendant, Willie J. Hemphill, by counsel, respectfully moves the Court to suppress the following evidenced seized as a result of a search of his person:

1. All items allegedly removed from his pockets, including but not limited to: U.S. Currency, clear plastic bag containing a green leafy substances allegedly consistent with marijuana, brown/gold lock-blade knife, 8 1/2 x 11 Top of the Crown pull tab bearing winning number (413) w/pay-out of \$300.00, Top of the Crown photocopy and hand-made drawing.

2. As grounds for this Motion, Defendant states:

1. Defendant was arrested without a warrant and without probable cause in violation of Article I § 11 of the Indiana Constitution and in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

2. Defendant did not give his consent to the search.

3. And for such other reasons as may appear upon oral hearing of this motion.

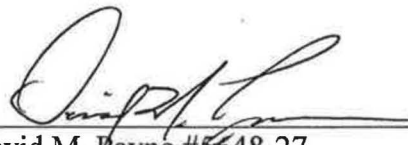
4. Defendant requests an oral hearing on this motion.

5. Attached hereto and incorporated herein is a Memorandum of Law.

WHEREFORE, premises considered, Defendant moves to suppress the evidence allegedly obtained from his pockets

Dated this 13th day of October, 2009.

Respectfully submitted,



---

David M. Payne #5648-27  
Attorney for Defendant  
112 South Boots Street  
Marion, IN 46952  
Tel: (765) 664-4132

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing has been served upon Rodney Faulk, Grant County Prosecutor's Office, Grant County Courthouse, 101 East 4<sup>th</sup> Street, Marion, Indiana 46953 by first class, postage prepaid, U.S. Mail, or by personal service this 13th day of October, 2009.



---

DAVID M. PAYNE

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF GRANT       )

GRANT SUPERIOR COURT #2

2009 TERM

STATE OF INDIANA,  
Plaintiff

CAUSE NO.: 27D02-0909-FD-108

vs.

WILLIE J. HEMPHILL,  
Defendant

FILED

OCT 13 2009

  
CLERK GSC 2

**MEMORANDUM IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE**

On August 28, 2009, at approximately 9:00 p.m., the police responded to a call at 933 South Washington Street, Marion, Indiana in response to a report of a strong-armed robbery (purse). The police conducted an initial interview of witnesses and were told that a black male grabbed a ladies purse and took off with it. They were further told that the suspect ran across the street to the Myers Restaurant parking lot and got on a bicycle and rode off.

A short time later Defendant Willie J. Hemphill was observed by the police riding a bicycle on West 22<sup>nd</sup> Street between Gallatin and Boots. That would have been more than thirteen blocks away. The police stopped Mr. Hemphill.

Mr. Hemphill was asked by the police to consent to a search and the Defendant declined. The police asked him to keep his hands out of his pockets. The police further determined that they wanted to conduct a pat down and in the process the police officer alleged that he felt an object about four inches in length running horizontal at the bottom of Defendant's pocket which felt consistent to the slide portion of a small caliber handgun.

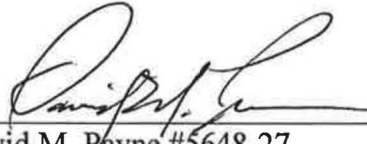
The police then conducted an illegal search by going through the Defendant's pockets. No handgun was recovered. The police did not have a search warrant at the time the search was conducted nor was there any basis for believing the Defendant was the alleged perpetrator of the purse snatching other than the fact that he was a black male riding a bicycle. The perpetrator of the crime was described as wearing a black hoodie and the Defendant was not dressed in that fashion when he was stopped.

A police officer can stop and detain an individual on the basis of a reasonable suspicion for an amount of time to investigate whether probable cause exists for a search or arrest. *Terry v. Ohio*, 392 U.S. 1 (1968). In making reasonable-suspicion determinations, the reviewing court must look at the "totality of circumstances" of each case to see whether the detaining officer has a particularized and objection basis for suspecting legal wrongdoing. *United States v. Cortez*, 449 U.S. 411 (1981).

In this case, given the distance the Defendant was from the scene of the crime, the fact that he was not dressed in the same fashion as the perpetrator of the crime, and that the police had no other rational basis for stopping the Defendant, the search was illegal.

The items allegedly seized should be suppressed and the State should be prohibited from introducing said evidence at the time of trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Payne", is written over a horizontal line.

David M. Payne #5648-27  
Attorney for Defendant  
112 South Boots Street  
Marion, IN 46952  
Tel: (765) 664-4132

STATE OF INDIANA  
COUNTY OF GRANT  
IN THE GRANT SUPERIOR COURT NO. 2  
2009 TERM

**FILED**

OCT 14 2009

*J. Mark Flannery*  
CLERK GSC 2

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0909-FD-108


WILLIE HEMPHILL

**ORDER ON PLEA AGREEMENT AND SENTENCING**

Comes now State of Indiana by Rodney Faulk. Comes now the defendant in the custody of the Sheriff of Grant County, together with his counsel, David Payne. State and defendant file written Plea Agreement. Defendant moves the Court to enter a plea of guilty pursuant to Plea Agreement filed. Motion granted. Defendant now enters a plea of guilty to the crime of Count 1: Theft, a Class D Felony. The Court finds the defendant's plea of guilty to be freely and voluntarily made and to have a factual basis therefor. Parties agree to waive the Presentence Investigation Report and proceed to sentencing. Cause submitted for sentencing. The Court having heretofore conditionally accepted the defendant's Plea of Guilty, pursuant to the written Plea Agreement, now accepts same. The Court now sentences the defendant, pursuant to the written Plea Agreement as follows:

- A. That he be committed to the Indiana Department of Corrections for a term of imprisonment of one and one-half (1 1/2) years
- B. That the defendant be granted 48 (actual) days, credit time, defendant was in jail pending sentencing upon such sentence.
- C. The Court recommends that the defendant be permitted to participate in the work release program, if he qualifies for same.
- D. The Court orders additional restitution in the sum of \$81.00 to the victim payable within 30 days of release from incarceration.
- E. The Court orders no contact with the victim.
- F. That the Court waives court costs against defendant due to his indigency.
- G. That Count 2 is dismissed.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 14th DAY OF OCTOBER, 2009.

  
BRIAN F. MCLANE, Judge Pro Tem  
Grant Superior Court No. 2

FILED

STATE OF INDIANA

OCT 14 2009

IN THE GRANT SUPERIOR COURT 2

COUNTY OF GRANT, SS: *Mark J. Edwards*

2009 TERM

CLERK GSC 2

STATE OF INDIANA

- VS -

CAUSE NUMBER: 27D02-0909-FD-108

WILLIE HEMPHILL

PLEA AGREEMENT

Comes now the STATE OF INDIANA and the Attorney of Record for the Defendant, DAVID PAYNE, and respectfully advise the Court that a Plea Agreement has been entered into with the Defendant for the above-entitled cause, which said Agreement is as follows, to wit:

1. The Defendant will enter a plea of guilty to the crime of COUNT 1: THEFT, a Class D Felony, which carries a minimum sentence of 180 days incarceration and a maximum sentence of 3 years incarceration and a maximum fine of ten-thousand (\$10,000) dollars.
2. The State of Indiana agrees to dismiss Count 2.

COUNT 1:

JAIL: 1 & ½ years executed. *state recommends work release*

FINE: \$0. & ~~court costs of \$177.00.~~

PROB: None. *add'l.*

OTHER: \$51. Restitution to victim within 30 days *of release from incarceration* ~~of sentencing as ordered by the Court.~~

OTHER: No contact with victim as ordered by the Court.

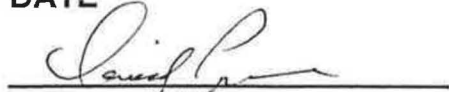
Victim notification is pending with Jill Speicher, Victim's Assistance Coordinator.

WHEREFORE, the STATE OF INDIANA and the Defendant, by his Attorney of Record, DAVID PAYNE, respectfully pray that the Court accept the above Agreement and for all other just and proper relief in the premises.



WILLIE HEMPHILL  
DEFENDANT

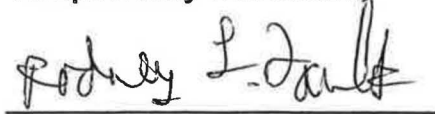
10/14/09  
DATE



DAVID PAYNE  
ATTORNEY FOR DEFENDANT

10/14/09  
DATE

Respectfully Submitted,



RODNEY L. FAULK  
DEPUTY PROSECUTING

10/14/09  
DATE

## DEFENDANT'S ACCEPTANCE OF PLEA AGREEMENT

Defendant in the above-entitled cause, WILLIE HEMPHILL, affirms under the pains and penalties for perjury that the following statements are true, to-wit:

1. Defendant has read and received a copy of the attached Plea Agreement and fully and completely understands and accepts it.
2. That Defendant fully understands the nature of each charge to which he/she will plead guilty.
3. That Defendant fully understands that by his/her plea of guilty to the crime contained in numerical paragraph one (1) of the Plea Agreement, he/she is admitting the truth of all facts alleged to prove each crime.
4. That Defendant fully understands that by a plea of guilty Defendant waives the following right to:
  - a) A public and speedy trial by jury;
  - b) Confront and cross-examine witnesses against him/her;
  - c) Have compulsory process for obtaining witnesses in his/her favor;
  - d) Require the State to prove his/her guilt beyond a reasonable doubt at a trial at which he/she may not be compelled to testify.
5. That Defendant fully understands the Defendant's right to a jury trial includes the right to have a jury determine, by proof beyond a reasonable doubt, the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence. The Defendant also has the right to have the State of Indiana provide written notification to the Defendant of any such fact or aggravating circumstance. The Defendant fully understands that by a plea of guilty, the Defendant waives these rights and fully understands the Court will make the determination as to the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence, without the use or intervention of a jury and sentencing will proceed without any written notification to the Defendant by the State of Indiana of any such or aggravating circumstance.
6. That Defendant has been advised of the maximum possible sentence and minimum sentence for each crime charged.
7. That Defendant has been advised of the possible increased sentence by reason of the fact of a prior conviction or convictions and possibility of the imposition of consecutive sentences.
8. That Defendant has been advised of the possible ramifications to his/her driver's license that may occur due to his/her plea of guilty to a traffic offense.



Specifically, the Defendant has been advised of the qualifications of being considered a habitual traffic violator by the Bureau of Motor Vehicles, and by statute.

9. That Defendant fully understands that the Court is not a party to this Plea Agreement between the STATE OF INDIANA and Defendant and that the Court may accept or reject it. If the Court accepts the Plea Agreement the Court shall be bound by the terms of the Plea Agreement. If the Court rejects the Plea Agreement, the Court will set the case for trial.

10. Defendant's guilty plea is completely voluntary, and that no threats, promises, force or coercion was used against him/her.

11. Defendant is fully satisfied with the services rendered by his/her Attorney of Record, DAVID PAYNE, and that said Attorney has competently and effectively represented him/her.

12. Defendant acknowledges that his execution of this agreement evidences the fact that he is knowingly, intelligently, and voluntarily waiving his right to challenge the sentence imposed by the Court, pursuant to this agreement, on the basis that such sentence is erroneous. The Defendant further agrees that by his execution of this agreement he is waiving his rights to challenge the Court's finding and balancing of mitigating and aggravating factors as well as his right to have the Court of Appeals review the sentence imposed herein under Indiana Appellate Rule 7(B).

13. Defendant's signature to this acceptance certifies that all of the statements contained in said Acceptance of Plea Agreement are true, and that any questions concerning said Acceptance of Plea Agreement have been answered by his/her Attorney of Record to his/her complete satisfaction.

  
WILLIE HEMPHILL

  
DATE

STATE OF INDIANA )  
 ) SS:  
COUNTY OF GRANT )

IN GRANT SUPERIOR COURT II  
**FILED** 2010 TERM

STATE OF INDIANA

MAR 19 2010

VS.  
Willie Hemphill # 157251

*J. Mark Flanagan*  
CLERK, GCG

CAUSE NO. 27D02-0909-FD-108

### FINDINGS AND ORDER FOR COMMUNITY TRANSITION PROGRAM

This matter having come before court on the receipt of the notice dated March 22, 2010 for the Community Transition Program under Ind. Code 11-10-11.5-2 filed herein, and the court having jurisdiction over the defendant and the subject matter in this case and having considered the evidence and being duly advised in the premises, now renders and files its specific findings and determination:


That no hearing was held.

The Court finds one or more of the following:

That good cause exists to deny the placement.

**IT IS ORDERED AND ADJUDGED** that the **Indiana Department of Correction** retain control over the defendant and the defendant not be assigned to the community transition program.

SO ORDERED this 19 day March, 2010.

  
\_\_\_\_\_  
Judge, Randall Johnson

Copies of this order shall be sent immediately to:

1. The prosecutor, James Luttrull and Seamless Reentry Court, Brant Yeakle
2. Department of Correction: Community Transition Program Manager, Indiana Department of Correction, 402 West Washington Street, Rm. W-341, Indianapolis, Indiana 46204-2738.

**Subject:** RE: Public records request - Willie Hemphill custody history  
**Date:** Tuesday, June 25, 2019 at 9:40:01 AM Central Daylight Time  
**From:** DOC Public Records <Docpublicrecords@idoc.IN.gov>  
**To:** Yesko, Parker <pyesko@apmreports.org>, DOC Public Records <Docpublicrecords@idoc.IN.gov>  
**Attachments:** image002.jpg, image003.png

Good Morning

Pursuant to IC 11-8-5-2 and 210 IAC 1-6-2(2)(D) and (F) the highlighted information is considered restricted. Below you will find the offender's location history and intake/release information.

```
OIFILOC3  * INQUIRY *  OFFENDER INFORMATION SYSTEM  06/25/19  6:35:54
PAGE 01      LOCATION HISTORY - FACILITY  USER: COA973 STEP  MODE

DOC NUMBER: 157251  NAME: HEMPHILL, WILLIE  LOC: DCHG

ARRIVAL DATE  ARRIV TIME  LOC  RECV  ARRIVAL REASON  DEPARTURE DATE
-----
07 22 2016  1136  PD3  TO PAROLE  PUENTE  10 21 2016
04 15 2016  1418  STF  CLASS DEC  INTAKE  07 22 2016
04 12 2016  1108  RDC  FROM JAIL  NCP-A  04 15 2016
03 08 2016  0922  COA  NC-PRIOR-A  NC PRIOR  04 12 2016
05 27 2010  1003  PD3  TO PAROLE  SPA J. TAYLOR  02 24 2011
11 25 2009  1205  ISF  CLASS DEC  RECVD  05 27 2010
10 28 2009  1100  RDC  NC-PRIOR-A  NCP-A  11 25 2009
01 13 2006  1140  NCF  CLASS DEC  FROM ISF  06 07 2006
10 07 2005  1630  ISF  CLASS DEC  TRANSFER FROM RDC  01 13 2006
09 28 2005  1025  RDC  NC  NC  10 07 2005

NEXT RESPONSE:  RESPONSE VALUE:
DC901000 LAST PAGE OF DATA DISPLAYED - PRESS PF7 TO GO BACKWARD
PF4-INQUIRE  PF9-LOCBED  PF10-LOCATN  PF11-LOCTEMP  PF12-LOCCOA  PF14-LOCCOJ
```

Thank you,

DOC Public Records

**From:** Yesko, Parker [mailto:pyesko@apmreports.org]  
**Sent:** Sunday, June 9, 2019 12:37 AM  
**To:** DOC Public Records <Docpublicrecords@idoc.IN.gov>  
**Subject:** Public records request - Willie Hemphill custody history

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

Hello,

I'm a reporter with American Public Media, doing research on an individual named Willie James Hemphill (DOC# 157251 / DOB: 9/10/71).

I'd like to request a full IDOC custody history for Mr. Hemphill. If available, please include dates of entry and release, custody locations, mugshots, visitor logs and rule violation reports for each period of incarceration. Please feel free to call or email me if you have any questions about this request.

Many thanks,  
Parker